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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNIVERSAL ENTERTAINMENT
CORPORATION,

Plaintiff(s),

v.

ARUZE GAMING AMERICA, INC., et al.,

Defendant(s).

Case No.: 2:18-cv-00585-RFB-NJK

ORDER

(Docket No. 133)

12 Pending before the Court is Defendants' motion for leave to file under seal their motion to
13 modify protective order at Docket No. 134. Docket No. 133. For the reasons stated below, the
14 Court **GRANTS** in part and **DENIES** in part the motion.

15 There is a strong presumption of public access to judicial records. *See Kamakana v. City*
16 *& County of Honolulu*, 447 F.3d 172, 1178 (9th Cir. 2006); *Foltz v. State Farm Mut. Auto. Ins.*
17 *Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). To keep documents attached to non-dispositive motions
18 confidential, parties must make a "particularized showing" of "good cause." *See Kamakana*, 447
19 F.3d at 1180 (quoting *Foltz*, 331 F.3d at 1137). Any request to seal documents must be "narrowly
20 tailored" to the material that warrants secrecy. *E.g., Ervine v. Warden*, 214 F. Supp. 3d 917, 919
21 (E.D. Cal. 2016) (citing *PressEnterprise Co. v. Superior Court of Cal.*, 464 U.S. 501 (1986)).
22 Thus, if confidential material can be easily redacted while leaving meaningful material available
23 to the public, the Court must order that redacted versions be filed rather than sealing entire
24 documents. *Foltz*, 331 F.3d at 1137; *see also In re Roman Catholic Archbishop of Portland in*
25 *Oregon*, 661 F.3d 417, 425 (9th Cir. 2011) (the district court must "keep in mind the possibility of
26 redacting the sensitive material").

27 Defendants submit that "the sole ground" for them moving for leave to file under seal their
28 motion to modify protective order is that Plaintiff has "designated [certain] documents and

1 discovery responses as confidential under the Protective Order.” Docket No. 133 at 3. Defendants’
2 motion, however, seeks to seal their motion to modify protective order in its entirety, not just the
3 relevant Exhibits. *Id.* at 2. Pursuant to the Court’s order at Docket No. 132, Plaintiff submitted a
4 notice regarding Defendants’ motion for leave to file under seal their motion to modify protective
5 order, submitting that only Exhibit B is properly filed under deal, and not Exhibits G or H. Docket
6 No. 137 at 2.

7 Plaintiff submits that Exhibit B is properly sealed because: (1) it “contains information
8 concerning the operations and internal governance of [Plaintiff’s] Board of Directors;” (2) “No
9 one outside of [those] Board of Directors has access to the exhibit;” (3) keeping it confidential
10 “provides for the free exchange of information, opinions and grievances between and among [the]
11 Board members;” (4) making it public “would restrict how [the] Board members communicate and
12 what they communicate;” and (5) “restriction on the free flow of information within [the] Board
13 will ultimately negatively impact [Plaintiff] and its competitive position within its market.”
14 Docket No. 137-1 at 2. The Court finds that Plaintiff has demonstrated good cause to seal Exhibit
15 B to Defendants’ motion to modify protective order. The Court further finds good cause to redact
16 any part of Exhibit B that is “quote[d] from and/or summarize[d]” in Defendants’ motion to modify
17 protective order. *See* Docket No. 133 at 2.

18 Accordingly, the Court **GRANTS** in part and **DENIES** in part Defendants’ motion for
19 leave to file under seal their motion to modify protective order. Docket No. 133. No later than
20 January 6, 2020, Defendants shall file their motion to modify protective order on the public docket,
21 with a placeholder page in place of Exhibit B, which shall remain under seal. Further, Defendants
22 shall redact from their motion any quote or summary of Exhibit B. The Clerk of Court is
23 **INSTRUCTED** to keep Docket No. 134 under seal.

24 IT IS SO ORDERED.

25 Dated: December 31, 2019

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28 Nancy J. Koppe
United States Magistrate Judge